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March 19, 2024

**VIA ECF**

Hon. Gary Stein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 702  
New York, NY 10007

Re: Northwest Biotherapeutics, Inc. v. Canaccord Genuity LLC, et al.,  
No. 1:22-cv-10185-GHW-GS

Dear Judge Stein:

We represent Defendant Citadel Securities LLC in the above-captioned action and write on behalf of all Defendants<sup>1</sup> to respectfully request a 30-day extension of the deadline for Defendants' anticipated motions to dismiss the Second Amended Complaint ("SAC") (ECF No. 150), from April 1, 2024 to May 1, 2024.

As the Court is aware, this is a securities fraud action in which Plaintiff Northwest Biotherapeutics, Inc. ("NWBO") alleges that each of the seven broker-dealer Defendants, separately and without coordinating, manipulated the market for NWBO's stock through "spoofing." *See id.* On December 29, 2023, Your Honor issued a Report & Recommendation ("R&R") recommending that NWBO's First Amended Complaint ("FAC") be dismissed with leave to amend. *See* ECF No. 137. On February 14, 2024, Judge Woods adopted the R&R in full and granted NWBO leave to amend within 30 days of his order. ECF No. 148. On March 15, NWBO filed its SAC, along with ten exhibits (eight of which were new). *See* ECF No. 149.

On March 18, without explanation or leave of Court, NWBO filed a new pleading that substantively changed the alleged spoofing episodes in the Exhibit 1 NWBO had filed on March 15. Notably, this is the third time that NWBO has "corrected" a pleading riddled with

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<sup>1</sup> Defendants are Canaccord Genuity LLC, Citadel Securities LLC, G1 Execution Services LLC, GTS Securities LLC, Instinet LLC, Lime Trading Corp., and Virtu Americas LLC.

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obvious errors. NWBO withdrew its initial Complaint following service of a Rule 11 motion that, among other things, informed NWBO that the prices alleged in its spoofing “example episodes” were incorrect. *See* ECF No. 134 at 84:17-23. After NWBO amended its complaint and was served with a second Rule 11 motion, NWBO “submitted a letter to the Court saying [its Exhibit 1] was messed up, and then [NWBO] submitted a corrected version of that exhibit.” *See id.* 83:14-20. Now, after Defendants spent the weekend analyzing another defective pleading filed by NWBO, its counsel yet again filed a new pleading with “spoofing episodes” containing different “Next Sales” and “Prior Sales,” without explanation or leave of Court. *Compare* ECF No. 149-1 with ECF No. 150-1.

Given that a number of Defendants’ counsel are on vacation this month due to their children’s schools’ spring recesses, and the new allegations and exhibits across NWBO’s 482-page pleading (of which 144 pages are entirely new), Defendants respectfully request a 30-day extension of their deadlines to respond to the SAC, from April 1, 2024 to May 1, 2024. Defendants note that NWBO’s deadline to file its SAC was 77 days from the date of Your Honor’s R&R.

Pursuant to Section 1(G) of Your Honor’s Individual Rules, Defendants state that the original deadline for their motions to dismiss the SAC is April 1, 2024; that there have been no previous requests for adjournment or extension of time to respond to the SAC; and that NWBO opposes Defendants’ request.

Defendants thank the Court for its attention to this matter.

Respectfully submitted,

/s/ William A. Burck  
William A. Burck

cc: All counsel of record (via ECF)